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Attorney for Claimants  
TOAN HOANG, QUE NGO, and JULIE LUU

UNITED STATES OF AMERICA, No. CV-08-0826 MMC

Plaintiff,

v.

**ANSWER OF CLAIMANTS TOAN  
HOANG, QUE NGO, and JULIE LUU  
TO COMPLAINT FOR FORFEITURE**

APPROXIMATELY \$61,386.00 IN UNITED  
STATES CURRENCY,

Defendant.

TOAN HOANG, QUE NGO, and JULIE LUU,

Claimants.

Claimants TOAN HOANG, QUE NGO, and JULIE LUU, by their attorney, respectfully  
answer plaintiff's Complaint for Forfeiture dated February 6, 2008 as follows:

1. Claimants admit the allegations in Paragraphs 2, 4, 5, 6, 7, 32,
2. Claimants deny the allegations in Paragraphs 33.
3. Claimants lack sufficient knowledge or information to form a belief as to the truth of  
paragraphs 1, 3, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27,  
28, 29, and 30.
4. Answering paragraph 31, claimants incorporate their answers to paragraphs 1 through 30.

**AFFIRMATIVE DEFENSES**

FIRST AFFIRMATIVE DEFENSE

Plaintiff lacks probable cause for the institution of this forfeiture suit;

SECOND AFFIRMATIVE DEFENSE

Plaintiff has failed to state a claim upon which relief may be granted;

THIRD AFFIRMATIVE DEFENSE

Claimants are each innocent owners;

FOURTH AFFIRMATIVE DEFENSE

The seizure of the claimants' property was in violation of the Fourth Amendment and/or the Due Process Clause of the Fifth and Fourteenth Amendments to the United States Constitution. All the evidence seized and the fruits thereof must be suppressed;

FIFTH AFFIRMATIVE DEFENSE

Plaintiff unreasonably delayed initiation of this forfeiture suit to claimants' detriment in violation of the Due Process Clause of the Fifth Amendment and Fourteenth Amendments to the United States Constitution;

SIXTH AFFIRMATIVE DEFENSE

Forfeiture of the property would be in violation of the Excessive Fines Clause of the Eighth Amendment to the United States Constitution;

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff should be equitably estopped from pursuing this forfeiture;

EIGHTH AFFIRMATIVE DEFENSE

Even if the allegations in the Complaint are true, not all of the property seized is subject to forfeiture.

NINTH AFFIRMATIVE DEFENSE

Plaintiff has failed to comply with Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions

**PRAYER FOR RELIEF**

WHEREFORE, claimants pray as follows:

1. That plaintiff take nothing by reason of its complaint, and that judgment be rendered for claimants;

2. That claimants be awarded costs of suit;

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3. For such other relief as the Court deems proper.

5. Claimants hereby demand trial by jury.

DATED:

Respectfully submitted,

By: /S//Erik Babcock  
ERIK G. BABCOCK  
Attorney for Claimants  
TOAN HOANG, QUE NGO, and JULIE LUU